

REMARKS

Claims 1-22 are now in the application. By this Response, claims 1 and 19-22 have been amended. Claim 1 has been amended to correct an informality and claims 19-22 have been amended to recite a method of preparing instead of a use to allow for rejoinder upon allowance of claims 1-18. Claims 19-22 have been withdrawn by the Examiner. No new matter has been entered.

Summary:

Applicants provisionally elect Group I, claims 1-18, drawn to a cosmetic or pharmaceutical composition, with traverse. Further, Applicants elect, for search purposes only, a copolymer of vinylimidazole and vinyl-pyrrolidone as species A1); a polymer of acrylic acid as species A2), and water as species B). Reconsideration and withdrawal of the Restriction Requirement/Election of Species Requirement is respectfully requested for the reasons set forth below.

Restriction Requirement:

The Office Action makes a restriction between Group I, claims 1-18, drawn to a cosmetic or pharmaceutical composition; and Group II, claims 19-22, drawn to a use of the composition of Group I.

Applicants elect Group I, claims 1-18, with traverse. By this Response, claims 19-22 have been amended to recite a method to allow for rejoinder.

The Office Action, citing PCT rules 13-1 and 13-2, asserts that the two groups lack unity of invention because they lack the same or corresponding special technical features. Specifically, the Office Action asserts that U.S. Patent No. 6,482,394 suggests embodiments within the scope of the pending claims.

Applicants submit that this is a conclusory statement not supported by the evidence put forth in the Office Action. Since the Office has failed to articulate a reason for its conclusion, Applicants submit that the lack of unity requirement is improper.

Election of Species Requirement:

The Office Action requires an election of species from among the species A1): a copolymer with cationogenic groups which comprises, in copolymerized form, vinylimidazole and/or a derivative thereof and at least one further monomer copolymerizable therewith; A2) at least one acid-group-containing polymer; and B) at least one cosmetically acceptable carrier. Applicants elect a copolymer of vinylimidazole and vinyl-pyrrolidone as species A1); a polymer of acrylic acid as species A2), and water as species B). Claims 1-22 read on the elected species. As acknowledged in the Office Action, claims 1-22 are generic.

In addition, Applicants respectfully request that upon the allowance of the generic claims, the search be expanded to include the non-elected Species.

In view of the above, withdrawal of the Restriction Requirement/Election of Species Requirement, reconsideration of the application and allowance of the pending claims are respectfully requested.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Application No. 10/564,627
Response dated November 28, 2008
Reply to Office Action of October 30, 2008

Docket No.: 13111-00030-US

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 13111-00030-US1 from which the undersigned is authorized to draw.

Dated: November 28, 2008

Respectfully submitted,

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